

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN**

UNITED STATES OF AMERICA,

Plaintiff,

v.

Case No. 24-CR-90

ERIC E. LENZEN,

Defendant.

ORDER

Before the court is Eric E. Lenzen's motion to delay his reporting date to permit him to obtain treatment for a torn Achilles tendon. (ECF No. 32.) He requested that the court order that his report date "be no earlier than January 1, 2025 to allow him to undergo the anticipated surgery and to begin recovery before reporting to the Bureau of Prisons to serve his sixteen month prison sentence." (ECF No. 32 at 2; *see also* ECF No. 36 at 1.)

Lenzen supplemented his motion to state that he has surgery scheduled for December 5, 2024, and a post-operative appointment for December 23, 2024. (ECF No. 41.)

Once a defendant is convicted, it is presumed that a defendant will be detained. 18 U.S.C. § 3143(a). Permitting a defendant to voluntarily surrender to an institution to serve a sentence is the exception.

Although the Bureau of Prisons is capable of providing complete medical care for inmates, Lenzen's need for surgery constitutes an extraordinary circumstance meriting delay of his voluntary surrender. No acute danger to the public arises as a result of a short delay. Nor will delay of a relatively short duration materially undermine the purposes of sentencing. Finally, the circumstances are such that the public benefits from Lenzen obtaining the bulk of the required care privately rather than at taxpayer expense in a BOP facility.

IT IS THEREFORE ORDERED that Lenzen's motion to delay his voluntary surrender to a date after January 1, 2025 (ECF No. 32) is granted. The specific date will be determined by the BOP.

Dated at Milwaukee, Wisconsin this 20th day of November, 2024.


WILLIAM E. DUFFIN
U.S. Magistrate Judge